



DAC  
JRW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Agrawal, et al.

Art Unit: 1635

Serial No.: 09/825,489

Examiner: Vivlemore, T.A.

Filing Date: April 3, 2001

Atty 047508.514US2  
Docket: (HYZ-075)

Title: *Sensitization of Cells to Cytotoxic Agents  
Using Oligonucleotides Directed to  
Nucleotide Excision Repair or Transcription  
Coupled Repair Genes*

**CERTIFICATION UNDER 37 C.F.R. § 1.8(a)**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Mail Stop PETITIONS, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia, 22313-1450.

10-4-2005

Date of signature and  
of mail deposit

Mary Jo Nispel  
Mary Jo Nispel

Mail Stop PETITIONS  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RENEWED PETITION TO ACCEPT UNINTENTIONALLY DELAYED PRIORITY**

**CLAIM UNDER 37 C.F.R. §1.78(a)(6)**

Sir:

Applicants hereby submit this renewed petition to accept an unintentionally delayed claim under 35 U.S.C. 119(e) for the benefit of a prior-filed provisional application, as provided under 37 C.F.R. §1.78(a)(6). This renewed petition is being submitted in response to a decision to dismiss Applicants' previous petition, which was issued by Frances Hicks of the Office of Petitions and mailed from the Office of Petition on September 29, 2005. In particular, Applicants were required to submit a renewed petition under 37 CFR 1.78(a)(6), because "before the petition under 37 CFR 1.78(a)(6) can be granted, a substitute amendment deleting the incorporation by reference statement....is required."

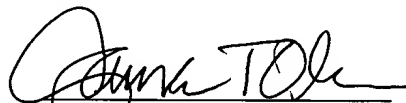
Appl. No. 09/825,489  
Response. dated October 4, 2005  
Reply to Office of Petitions Action mailed Sept. 29, 2005

Accordingly, Applicants hereby submit the following Renewed Petition, accompanied by the requested Substitute Amendment under 37 C.F.R. §1.111, in which the incorporation by reference statement has been deleted per the requirements of 37 C.F.R. §1.78(a)(5)(i).

Applicants again submit that the entire delay, between the date this claim of priority was due under 37 C.F.R. §1.78(a)(5)(ii) and the date this claim was filed, was unintentional. Applicants further submit that they have previously provided an authorization of payment of the surcharge set forth in 37 CFR §1.17(t) and, accordingly, no further fee is believed due with this action. Nevertheless, please charge any additional fees, or refund any overpayment, to Deposit Account No. 08-0219.

In conclusion, Applicants believe this Renewed Petition corrects the basis for dismissal of Applicants' previous petition dated March 14, 2005. Accordingly, Applicants respectfully request acknowledgement of acceptance of their claim of priority to the earlier-filed provisional application 60/194,343, which was filed April 3, 2000.

Respectfully submitted,



James T. Olesen, Ph.D., Reg. No. 46,967  
Attorney for Applicants

Date: **October 4, 2005**  
WILMER CUTLER PICKERING  
HALE AND DORR LLP  
60 State Street  
Boston, MA 02109  
(617) 526-6000  
(617) 526-5000 (Facsimile)